



October 4, 2022

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The Hon. Lewis A. Kaplan
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, New York 10007

Re: Anthony Rapp and C.D. v. Kevin Spacey Fowler a/k/a Kevin Spacey
Southern District of New York, Case No. 1:20-cv-09586 (LAK)

Dear Judge Kaplan:

As Your Honor knows, my firm represents Defendant Kevin Spacey Fowler. I understand the Court recommended the parties coordinate on opening presentations before they are given. I contacted Plaintiff's counsel, Peter Saghir and Richard Steigman, yesterday and proposed that by Wednesday, October 5th at 5 p.m. EST, the parties exchange a list of any exhibits they intend to present during opening statement and any demonstratives, other than witness testimony.

I just received a response from Mr. Saghir that Plaintiff rejects that proposal and does not intend to disclose to us any exhibits they intend to use during opening statement. We strongly object to Mr. Saghir's proposal that the parties not exchange a list of any exhibits to be shown to the jury during opening statements. My proposal aims to ensure transparency about exhibits to be shown to the jury during opening statements because the parties have not stipulated to admissibility for all of the exhibits. My proposed disclosure would permit the Court and parties to resolve any objections on exhibits to be used during opening statements before they are shown to the jury. I therefore respectfully request that Your Honor order the parties by Wednesday, October 5th, at 5 p.m. to exchange (1) a list of all exhibits to be used during opening statements and (2) copies of all demonstratives to be used during opening statements, except those merely showing witness testimony or disclosed exhibits.

I also informed Plaintiff's counsel that, before Thursday or at another time convenient for the Court, we intend to submit our PowerPoint presentation to the Court for *in camera* review to assist the Court during opening statements and in ruling on any objections. We have no objection to providing a copy of our PowerPoint presentation slides to Plaintiff's counsel at the outset of our opening statement, provided Plaintiff's counsel provides us copies of what they intend to show the jury at the outset of their opening statement (and the parties exchange the list of exhibits and demonstratives by October 5th as described above). But we do object to Plaintiff's counsel receiving a complete copy of our opening presentation before it is given. I therefore respectfully request that we be given permission to submit our presentation to the Court by e-mailing it to the Clerk before Thursday, without copying Plaintiff's counsel.

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Respectfully submitted,

KELLER/ANDERLE LLP

A handwritten signature in blue ink, appearing to read "Chase A. Scolnick", is positioned above the printed name.

Chase A. Scolnick